

10-06-05

3611/CLW

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Robert Watts

Name of Person Signing (Type or Print)

Signed: Robert Watts

Customer Number

24024



PATENT

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Gerald E. Fought	)	Examiner: Ann Marie M. Boehler
	)	
Serial No.: 10/044,826	)	Art Unit: 3611
	)	
Filed: October 19, 2001	)	Confirmation No.: 8055
	)	
For: Wheelchair Suspension Having Pivotal Motor Mount	)	Attorney Docket No.: 12873/04233
	)	

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT**

Dear Sir:

In accordance with the duty of disclosure under 37 C.F.R. § 1.56, Applicant hereby notifies the U.S. Patent and Trademark Office of the documents which are listed on the attached PTO/SB/08 A & B forms and/or listed herein and which the Examiner may deem material to patentability of the claims of the above-identified application.

The submission of the listed documents is not intended as an admission that any such document constitutes prior art against the claims of the present application. Applicant does not waive any right to take any action that would be appropriate to antedate or otherwise remove any listed document as a competent reference against the claims of the present application.

**FOREIGN LANGUAGE DOCUMENTS**

- ☐ In compliance with the concise explanation requirement under 37 C.F.R. § 1.98(a)(3) for foreign language documents, Applicant encloses herewith a copy of a Communication from a foreign patent office in a counterpart application citing such documents, together with an English-language version (if not already included) of that portion of the Communication indicating the degree of relevance found by the foreign patent office.

- ☐ In compliance with the concise explanation requirement under 37 C.F.R. § 1.98(a)(3) for foreign language documents, Applicant submits the following explanations:
- ☐ Complete English translations of foreign language documents are being submitted herewith, and therefore no concise explanation for such documents is required.

**CERTIFICATION AND FEE PAYMENT INFORMATION**

- ☐ The present Information Disclosure Statement is being filed: (1) No later than three months from the application's filing date; (2) Before the mailing date of the first Office Action on the merits (whichever is later); or (3) Before the mailing date of the first Office Action after filing a request for continued examination under 37 C.F.R. § 1.114, and therefore, no Statement under 37 C.F.R. § 1.97(e) or fee under 37 C.F.R. § 1.17(p) is required. If this is not the case, the patent office is hereby authorized to charge any related fee to **Deposit Account No. 03-0172**.
- ☐ The present Information Disclosure Statement is being filed thirty days or fewer from a Communication from a foreign patent office and Applicant submits the following Statement Under 37 C.F.R. § 1.704(d). Each item of information contained in the Information Disclosure Statement was cited in a Communication from a foreign patent office in a counterpart application and this Communication was not received by any individual designated in 37 C.F.R. § 1.56(c) more than thirty days prior to the filing of the Information Disclosure Statement.
- ☐ The present Information Disclosure Statement is being filed after the later of three months from the application's filing date and mailing date of the first Office Action on the merits, but before a Final Office Action, Notice of Allowance, or an action that otherwise closes prosecution in the application (whichever is earlier), and therefore Applicant submits the following Statement under 37 C.F.R. § 1.97(e). No fee under 37 C.F.R. § 1.17(p) is required. If this is not the case, the patent office is hereby authorized to charge any related fee to **Deposit Account No. 03-0172**.
  - ☐ Each item of information contained in this information disclosure statement was cited in a Communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this statement.
  - ☐ No item of information contained in this information disclosure statement was cited in a Communication from a foreign patent office in a counterpart foreign application or, to the knowledge of the undersigned, having made reasonable inquiry, was known to any individual designated in 37 CFR § 1.56(c) more than three months prior to the filing of this statement.

☒ The present Information Disclosure Statement is being filed (without a Statement under 37 C.F.R. § 1.97(e)) after the later of three months from the application's filing date and the mailing date of the first Office Action on the merits, but before a Final Office Action, Notice of Allowance, or an action that otherwise closes prosecution in the application (whichever is earlier). Accordingly, Applicant submits the fee required under 37 C.F.R. § 1.17(p). The fee is being paid in the following manner:

- ☒ A check is attached in the amount of \$ 180.00 as required under 37 § 1.17(p).
- ☐ The patent office is hereby authorized to charge the amount of \$ \_\_\_\_\_ and any related fee to **Deposit Account No. 03-0172**.

☐ The present Information Disclosure Statement is being filed after the mailing of a final Office Action, Notice of Allowance or an action that otherwise closes prosecution in the application, but on or before the payment of the issue fee. Accordingly, Applicant submits the following Statement under 37 C.F.R. § 1.97(e) along with the fee required under 37 C.F.R. § 1.17(p).

- ☐ Each item of information contained in this information disclosure statement was cited in a Communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this statement.
- ☐ No item of information contained in this information disclosure statement was cited in a Communication from a foreign patent office in a counterpart foreign application or, to the knowledge of the undersigned, having made reasonable inquiry, was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this statement.

AND, the fee is being paid in the following manner:

- ☐ A check is attached in the amount of \$ \_\_\_\_\_ as required under 37 § 1.17(p).
- ☐ The patent office is hereby authorized to charge the amount of \$ \_\_\_\_\_ and any related fee to **Deposit Account No. 03-0172**.

INFORMATION DISCLOSURE STATEMENT  
Appln. No. 10/044,826

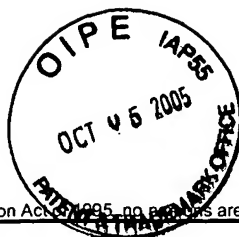
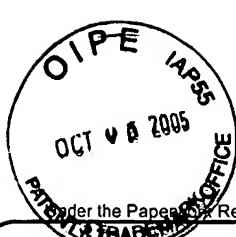
Attorney Docket No. 12873/04233

☒ **Although no additional fees are believed to be due, please charge any fee deficiencies and credit any overpayments to Deposit Account No. 03-0172, order number 12873/04233.**

Respectfully submitted,

Date: 10/5/05

By: Ker Smith  
Kenneth J. Smith, Reg. No. 45,115  
(216) 622-8674  
Customer No. 24024



PTO/SB/08A (08-03)  
Approved for use through 07/31/2006. OMB 0651-0031  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE  
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## INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(Use as many sheets as necessary)

Sheet 1 of 9

### Complete if Known

Application Number	10/044,826
Filing Date	10/19/2001
First Named Inventor	Gerald E. Fought
Art Unit	3611
Examiner Name	Ann Marie M. Boehler
Attorney Docket Number	12873-04233

### U. S. PATENT DOCUMENTS

Examiner Initials*	Cite No. <sup>1</sup>	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code <sup>2</sup> (if known)			
		US- 2,427,482	09/16/1947	Wiessman	
		US- 3,174,176	03/23/1965	Olson	
		US- 3,195,670	07/20/1965	Dunn	
		US- 3,592,282	07/13/1971	Soileau	
		US- 3,709,313	01/09/1973	James	
		US- 3,876,012	04/08/1975	Regier	
		US- 3,883,153	05/13/1975	Singh et al.	
		US- 3,905,437	09/16/1975	Kaiho et al.	
		US- 3,917,312	11/04/1975	Rodaway	
		US- 3,953,054	04/27/1976	Udden et al.	
		US- 4,341,278	07/27/1982	Meyer	
		US- 4,437,678	03/20/1984	Schultz	
		US- 4,500,102	02/19/1985	Haury et al.	
		US- 4,556,229	12/03/1985	Bihler et al.	
		US- 4,565,385	01/21/1986	Morford	
		US- 4,721,322	01/26/1988	Hawkins	
		US- 4,759,418	07/26/1988	Goldenfeld et al.	
		US- 4,811,966	03/14/1989	Singleton	
		US- 4,826,194	05/02/1989	Sakita	

### FOREIGN PATENT DOCUMENTS

Examiner Initials*	Cite No. <sup>1</sup>	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages Or Relevant Figures Appear	T <sup>6</sup>
		Country Code <sup>3</sup> Number <sup>4</sup> Kind Code <sup>5</sup> (if known)				
		CA 2,254,372	05/17/2000	Clark et al.		
		DE 10136368 A1	02/20/2003	Engels et al.		
		DE 10136369 A1	02/20/2003	Engels et al.		
		DE 10136368 C2	02/20/2003	Engels et al.		
		DE 10136369 C2	02/20/2003	Engels et al.		
		EP 0127929	12/12/1984	Parker		

Examiner Signature

Date Considered

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. <sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> See Kinds Codes of USPTO Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 901.04. <sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. <sup>6</sup> Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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**INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT**

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Sheet 2

of 9

**Complete if Known**

Application Number	10/044,826
Filing Date	10/19/2001
First Named Inventor	Gerald E. Fought
Art Unit	3611
Examiner Name	Ann Marie M. Boehler
Attorney Docket Number	12873-04233

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		Number-Kind Code <sup>2</sup> (if known)			
		US- 4,861,056	08/29/1989	Duffy, Jr. et al.	
		US- 4,886,294	12/12/1989	Nahachewski	
		US- 4,934,626	06/19/1990	Kimura	
		US- 5,176,393	01/05/1993	Robertson et al.	
		US- 5,222,567	07/29/1993	Broadhead et al.	
		US- 5,241,876	09/07/1994	Mathis	
		US- 5,290,055	03/01/1994	Treat, Jr.	
		US- 5,294,141	03/15/1994	Mentessi et al.	
		US- 5,316,328	05/31/1994	Bussinger	
		US- 5,351,774	10/04/1994	Okamoto	
		US- 5,435,404	07/25/1995	Garin, III	
		US- 5,467,838	11/21/1995	Wu	
		US- 5,513,875	05/07/1996	Tahara et al.	
		US- 5,531,284	07/02/1996	Okamoto	
		US- 5,540,297	07/30/1996	Meier	
		US- 5,564,512	10/15/1996	Scheulderman	
		US- 5,575,348	11/19/1996	Goertzen et al.	
		US- 5,611,555	03/18/1997	Vidal	
		US- 5,772,237	06/30/1998	Finch et al.	

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		Country Code <sup>3</sup> Number <sup>4</sup> Kind Code <sup>5</sup> (if known)				
		EP 0677285	10/18/1995	Goertzen et al.		
		EP 0908165	04/14/1999	Pulver		
		EP 0908166	04/14/1999	Pulver, Jr.		
		EP 0988848	03/29/2000	Hostetter		
		EP 1279391	01/29/2003	Engels et al.		
		EP 1279392	01/29/2003	Engels et al		

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**INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT**

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Sheet 3

of 9

**Complete if Known**

Application Number	10/044,826
Filing Date	10/19/2001
First Named Inventor	Gerald E. Fought
Art Unit	3611
Examiner Name	Ann Marie M. Boehler
Attorney Docket Number	12873-04233

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		Number-Kind Code <sup>2</sup> (if known)			
		US- 5,848,658	12/15/1998	Pulver	
		US- 5,855,387	01/05/1999	Gill et al.	
		US- 5,954,351	09/21/1999	Koschinat	
		US- 6,041,876	03/28/2000	Pulver et al.	
		US- 6,047,979	04/11/2000	Kraft et al.	
		US- 6,062,600	05/16/2000	Kamen et al.	
		US- 6,070,898	06/06/2000	Dickie et al.	
		US- 6,079,725	06/27/2000	Lazaros	
		US- 6,179,076	01/30/2001	Fernie et al.	
		US- 6,186,252	02/13/2001	Schaffner et al.	
		US- 6,209,670	04/03/2001	Fernic et al.	
		US- 6,225,894	05/01/2001	Kyrtos	
		US- 6,234,263	05/23/2001	Boivin et al.	
		US- 6,322,089	11/27/2001	Dantele et al.	
		US- 6,341,671	01/29/2002	Ebersole	
		US- 6,347,688	02/19/2002	Hall et al.	
		US- 6,405,816	06/18/2002	Kamen et al.	
		US- 6,428,020	08/06/2002	Steadman	
		US- 6,460,869	10/08/2002	Tremouilles	

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		Country Code <sup>3</sup> Number <sup>4</sup> Kind Code <sup>5</sup> (if known)				
		FR 2,399,822	03/09/1979	Ligier et al.		
		FR 2,498,925	08/06/1982	Guillon		
		JP 2000102569	04/11/2000	Kamite et al.		
		JP 2000288032	10/17/2000	Shinohora		
		JP 2001070347	03/21/2001	Kanayama		

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Sheet 4

of 9

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Application Number	10/044,826
Filing Date	10/19/2001
First Named Inventor	Gerald E. Fought
Art Unit	3611
Examiner Name	Ann Marie M. Boehler
Attorney Docket Number	12873-04233

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		Number-Kind Code <sup>2</sup> (if known)			
		US- 6,460,641	10/08/2002	Kral	
		US- 6,533,306	03/18/2003	Watkins	
		US- 6,533,305	03/18/2003	Falk	
		US- 6,543,564	04/08/2003	Kamen et al.	
		US- 6,543,798	04/08/2003	Schaffner et al.	
		US- 6,588,799	07/08/2003	Sanchez	
		US- 6,640,916	11/04/2003	Schaffner et al.	
		US- D 429,665	08/22/2000	Dickie	
		US- Re. 32,242	09/09/1986	Minnebraker	
		US- 2002/0023787	02/28/2002	Kamen et al.	
		US- 2003/0030243	02/13/2003	Engels et al.	
		US- 2002/0175027	11/28/2002	Usherovich	
		US- 2003/0075365	04/24/2003	Fought	
		US- 2003/0122332	07/03/2003	Engels et al.	
		US- 2003/0168265	09/11/2003	Goertzen et al.	
		US- 2004/0032119	02/19/2004	Tran et al.	
		US- 3,210,092	10/05/1965	Kraus	
		US- 3,589,700	06/29/1971	Ruet et al.	
		US- 4,333,681	06/08/1982	Nelson	

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		Country Code <sup>3</sup> -Number <sup>4</sup> -Kind Code <sup>5</sup> (if known)				
		JP 2001104391	04/17/2001	Hora Kawa		
		JP 2001212181	08/07/2001	Kiohora et al.		
		JP 2001258948	09/25/2001	Fukunaga		
		JP 2001327545	11/27/2001	Tanaka et al.		
		JP 2002143223	05/21/2002	Akita		
		JP 2002165841	06/11/2002	Akita		

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		US- 5,727,802	03/17/1998	Garven, Jr. et al.	
		US- 6,341,657	01/29/2002	Hopely, Jr. et al.	
		US- 6,554,086	04/29/2003	Goertzen et al.	
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**FOREIGN PATENT DOCUMENTS**

Examiner Initials*	Cite No. <sup>1</sup>	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages Or Relevant Figures Appear	T <sup>6</sup>
		Country Code <sup>3</sup> Number <sup>4</sup> Kind Code <sup>5</sup> (if known)				
		JP 04-158864	06/01/1992	Nishihira		
		JP 07-328073	12/19/1995	Shibazaki		
		JP 08-038552	02/13/1996	Furukawa		
		WO 82/00445	02/18/1982	Schultz		
		WO 84/04451	11/22/1984	Colpus et al.		

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Sheet 6

of 9

Application Number	10/044,826
Filing Date	10/19/2001
First Named Inventor	Gerald E. Fought
Art Unit	3611
Examiner Name	Ann Marie M. Boehler
Attorney Docket Number	12873-04233

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		Country Code <sup>3</sup> *Number <sup>4</sup> *Kind Code <sup>5</sup> (if known)				
		WO 92/09463	06/11/1992	Le et al.		
		WO 93/24342	12/09/1993	Okamoto		
		WO 98/46184	10/12/1998	Schaffner et al		
		WO 00/08910	02/24/2000	Taylor		
		WO 00/09356	02/24/2000	Dickie et al.		
		WO 00/12040	03/09/2000	Vea et al.		

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**INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT**

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Sheet	8	of	9	Application Number	10/044,826
				Filing Date	10/19/2001
				First Named Inventor	Gerald E. Fought
				Art Unit	3611
				Examiner Name	Ann Marie M. Boehler
				Attorney Docket Number	12873-04233

**NON PATENT LITERATURE DOCUMENTS**

Examiner Initials*	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T <sup>2</sup>
		"Big Bounder Power Wheelchair: Conventional "Tubular" Style Frame"; <a href="http://www.wheelchair.com/bigbounderpage.htm">http://www.wheelchair.com/bigbounderpage.htm</a> , Accessed on the World Wide Web on December 17, 2003, p. 1-4	
		"Bounder Plus Power Wheelchair: Convention "Tubular" Style Frame"; <a href="http://www.wheelchairs.com/plus.htm">http://www.wheelchairs.com/plus.htm</a> , Accessed on the World Wide Web on December 17, 2003, p. 1-4	
		"Frog Legs: Smoot Ride Ahead"; <a href="http://www.froglegsinc.com/index.php">http://www.froglegsinc.com/index.php</a> , Accessed on the World Wide Web on December 17, 2003, p. 105	
		"Frog Legs Tires", <a href="http://mdtap.org/tt/1999.09/prod.html">http://mdtap.org/tt/1999.09/prod.html</a> , Accessed on the World Wide Web on December 17, 2003, p. 1-3	
		"Invacare pronto M7I jr. Power Wheelchair Manual"; Accessed on the World Wide Web on December 17, 2003	
		"Invacare Storm Series TDX Power Wheelchairs Manual"; Accessed on the World Wide Web on December 17, 2003, p. 1-24	
		"Invacare Xterra Series GT Power Wheelchair Manual", Accessed on the World Wide Web on December 17, 2003, p. 1-4	
		"Jazzy 1122", Pride Mobile Products Corp., Accessed on the World Wide Web on December 17, 2003, p. 1-2	
		"Jazzy 1133", Pride Mobile Products Corp., Accessed on the World Wide Web on December 17, 2003, p. 1-2	
		"Jazzy 1170XL", Pride Mobile Products Corp., Accessed on the World Wide Web on December 17, 2003, p. 1-2	

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				Filing Date	10/19/2001
				First Named Inventor	Gerald E. Fought
				Art Unit	3611
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				Attorney Docket Number	12873-04233

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		"Bruno Independent Living Aids ISP 9001 Certified"; <a href="http://www.bruno.com/power_chairs.htm">http://www.bruno.com/power_chairs.htm</a> , Accessed on the World Wide Web on December 17, 2003, p. 1-5"Top End Terminator SS Sp	r
		"Top End Terminator SS Sports Wheelchair", <a href="http://phc-online.com/terminator_ss.htm">http://phc-online.com/terminator_ss.htm</a> , Accessed on the World Wide Web on December 17, 2003, p. 1-5	,
		"Transactions of the Institute of Measurement and Control", The British Library of Science Technology and Business, Volume 24, November 5, 2002, p. 1-15	r
		M.J. Lawn, et al., "Modeling of a Stair-Climbing Wheelchair Mechanism with High Single-Step Capability", IEEE Transactions on Neural Systems and Rehabilitation Engineering, V	.
	Q1	Quickie G-424 User Instruction Manual & Warranty, 930484 Rev. A (27 sheets) (alleged date not later than 2000)	v
	Q2	10 Color photographs (8.5 x 11) of Quickie G-424 Wheelchair obtained Nov. 24, 2004.	,
	Q3	SUNRISE MEDICAL, INC., Power Products Parts Manual, 930307 Rev. K (531 Sheets), July 2004. (Note: various dates are alleged therein based on wheelchair products listed includi	1

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